

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRUSTEES OF MICHIGAN REGIONAL
COUNCIL OF CARPENTERS' EMPLOYEE
BENEFITS FUND, et al.,

Plaintiffs,

Case No. 24-cv-10907
Hon. Matthew F. Leitman

v.

MICHIGAN STUDS AND WALLS, LLC, et al.,

Defendants.

Novara Tesija Catenacci
McDonald & Baas, PLLC
Bryan M. Beckerman (P51925)
Attorney for Plaintiffs
888 W. Big Beaver Rd., Suite 870
Troy, MI 48084
(248) 354-0380
Bryan.beckerman@novaralaw.com

Michigan Studs and Walls, LLC
Kevin Cox
Defendants, In Pro Per
3476 Gettysburg Road
Ann Arbor, MI 48105
kevin@msawllc.com

SECOND AMENDED ORDER FOR JUDGMENT
AS TO DAMAGES AGAINST DEFENDANTS KEVIN COX
AND MICHIGAN STUDS AND WALLS, LLC

THIS MATTER CAME before the Honorable Court on Plaintiffs' previous Motion for the Entry of a Default Judgment (**ECF No. 12**). The Court, being fully advised in the premises, finds that:

1. An Order for Default Judgment was entered against both Defendants Michigan Studs and Walls, LLC and Kevin Cox on June 26, 2024 (**ECF No. 15**).

2. Said Order provided that Plaintiffs were granted Judgment against both Defendants Michigan Studs and Walls, LLC and its owner Kevin Cox.
3. Additionally, said Order provided, in pertinent part, that Plaintiffs shall, upon filing a copy of the auditor's report and the appropriate affidavit(s) of a person (or persons) with knowledge, have an amended Judgment against Defendants for all contribution amounts as are found to be due upon an updated audit, as well as interest thereon, at the rate of 10% per annum from the due date of the paid contributions, liquidated damages at the rate of 12% of all delinquent amounts pursuant to Plaintiffs' resolutions, policies and procedures, and the provisions of the parties' collective bargaining agreement, as well as costs of the audit and statutory attorney's fees, all pursuant to 29 U.S.C. 1132(g)(2).
4. An Amended Order for Default Judgment (**ECF No. 25**) was entered on October 29, 2024, for the amount owing of \$227,778.86, which consisted of \$216,224.61 for unpaid fringe benefit contributions, together with liquidated damages thereon and accumulated interest. The amount owing also consisted of audit costs of \$1,500.75, court costs of \$361.00, and attorney fees of \$9,692.50.
5. An updated audit was conducted based upon Defendants' request and was published on June 10, 2025 (see attached **Exhibit 1**).

6. The June 10, 2025, updated audit evidenced an amount owing of \$192,529.45, consisting of \$172,578.70 for unpaid fringe benefit contributions together with liquidated damages thereon and accumulated interest. The amount owing also now consists of additional audit and legal expenses, such that the new audit cost amount is \$3,174.00, court costs remain at \$361.00, and attorney fees now are \$16,415.75
6. Plaintiffs have attached as **Exhibit 1**, a copy of the updated auditor's report, along with an appropriate updated Affidavit of the relevant auditor who completed said updated audit publication (**Exhibit 2**), and an updated Affidavit of the relevant attorney (**Exhibit 3**), both of whom have personal knowledge of the facts contained in said Affidavits, in compliance with this Honorable Court's previous Orders.

ACCORDINGLY, IT IS ORDERED that Plaintiffs shall have a Second Amended Order for Default Judgment as to Damages owing by Defendants Michigan Studs and Walls, LLC and Kevin Cox, jointly and severally, pursuant to 29 U.S.C. 1132(g)(2), in the amount of \$192,529.45, consisting of \$172,578.70 for unpaid fringe benefit contributions together with liquidated damages thereon and accumulated interest; audit costs of \$3,174.00; court costs of \$361.00; and attorney fees of \$16,415.75.

IT IS FURTHER ORDERED that this Honorable Court shall retain jurisdiction of this matter pending satisfaction of this Judgment and/or compliance with any additional orders.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: July 10, 2025

EXHIBIT 1

STEFANSKY, HOLLOWAY & NICHOLS, INC.
PAYROLL AUDITING SERVICES

22260 HAGGERTY ROAD, SUITE 350
 NORTHVILLE, MICHIGAN 48167

(248) 305-9905
 FAX: (248) 305-9901

June 10, 2025

Michigan Studs and Walls, LLC
 3476 Gettysburg Road
 Ann Arbor, MI 48105

Re: Commercial Carpenters

Dear Sir/Madam:

This is to inform you of the results of the recent audit to confirm your contributions to the Michigan Regional Council of Carpenters Fringe Benefit Funds. Based on the records provided, our examination has revealed that the following amounts are still owing the aforementioned Funds.

Audit Time Period
9/23-6/24

Fund	Amt. Owed
M.R.C.C.E.B.F.	\$42,314.32
Pension	\$84,575.50
Annuity	\$27,057.79
Apprentice	\$5,315.87
L.M.P.T.	\$372.12
Appr. Reimb.	\$637.91
Working Dues	\$7,611.05
Ind. Adv.	\$797.39
Special Asmnt	\$2,126.35
Guaranty Fund	\$531.58
U.B.C. Training	\$752.30
U.B.C. Per Cap	<u>\$486.52</u>
Sub-Total	<u>\$172,578.70</u>
Liquidated damages resulting from late payments	\$0.00

A man-by-man breakdown covering the contributions due and owing the Funds is enclosed.

Payment Date	Audit Assessment Rate	Assessment Amount	Total Check Amount
06/10/2025 - 06/25/2025	No audit assessment	\$0.00	\$172,578.70
06/26/2025 - 07/10/2025	4% 16-30 days from billing date	\$6,903.15	\$179,481.85
07/11/2025 - 08/09/2025	8% 31-60 days from billing date	\$13,806.30	\$186,385.00
08/10/2025 - 09/08/2025	12% 61-90 days from billing date	\$20,709.44	\$193,288.14

Note: Interest shall accrue at an annual rate of 10% from the date the fringe benefit contribution(s) are deemed delinquent until the delinquency is paid in full.

If you disagree with the above findings or have any questions, please contact the undersigned at (248) 305-9905 so that we can arrange for a meeting to review these findings. If your company is in agreement, please forward a check payable to the **"Michigan Regional Council of Carpenters Fringe Benefit Funds"** to the letterhead address.

If we do not hear from you within fifteen (15) days from the date of this letter, the audit results, as shown will become final and the matter will be referred for collection.

Very truly yours,

Garrett J. Gumm
 Fund Auditor

enclosure

xc: Ms. Sonya Winkelman

xc: Mr. Bryan Beckerman
 All Associations

THE MICHIGAN REGIONAL
PENSION BENEFIT FUNDS

PREPARED BY: GJG
DATE BILLED: 06/10/25

EXHIBIT 2

UPDATED AFFIDAVIT OF GARRETT J. GUMM

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

I, Garrett J. Gumm, being first duly sworn, depose and say the following upon personal knowledge and that I am competent and can testify to the matters set forth herein:

1. I am the auditor who is employed by the firm Stefansky, Holloway & Nichols, Inc., which performs audits and provides other related work and services for the Michigan Regional Council of Carpenters' Fringe Benefit Funds.

2. I personally prepared the June 10, 2025 audit attached hereto and made a part of hereof by reference, which is based upon the examination of books and records provided by Michigan Studs and Walls, LLC.

3. The relevant time period included within the audit for Michigan Studs and Walls, LLC. From September 2023 through June 2024.

4. Based on my examination of Michigan Studs and Walls, LLC's books and records, the individuals contained within the October 22, 2024 audit were employees and/or subcontractors of Michigan Studs and Walls, LLC and did not have fringe benefit contributions paid by Michigan Studs and Walls, LLC to the Funds during the relevant time period noted above.

5. The costs associated with the audit services by Stefansky, Holloway and Nichols, Inc. for this file were \$3,174.00.

6. If called to testify, I am competent to testify as to the auditor's fees and costs.

7. FURTHER AFFIANT SAYETH NOT.



GARRETT J. GUMM

Subscribed and sworn to before me this 27th day of June, 2025.

Carrie Hohenmeier
Carrie Hohenmeier - Notary Public
Oakland County, Michigan
Acting in the County of Oakland
My Commission Expires: 7.31.28

EXHIBIT 3

UPDATED AFFIDAVIT OF BRYAN M. BECKERMAN

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

I, Bryan M. Beckerman, being first duly sworn, depose and say the following upon personal knowledge and that I am competent and can testify to the matters set forth herein:

1. I am the attorney for MRCC Fringe Benefit Funds and am employed at the law firm of Novara Tesija Catenacci McDonald & Baas, PLLC;
2. The attorney fees, legal costs and expenses associated with this litigation and incurred on behalf of Plaintiff Funds to this firm are in the amount of \$16,054.75 in legal fees and \$361.00 in costs and expenses, for a total amount owing of \$16,415.75;
3. If called to testify, I am competent to testify as to the attorneys' fees and costs.
4. FURTHER AFFIANT SAYETH NOT.



BRYAN M. BECKERMAN

Subscribed and sworn to before me this 23rd day of June, 2025.

Lauren Fischer
Lauren Fischer - Notary Public
Wayne County, Michigan
Acting in the County of Oakland
My Commission Expires: 7/1/2030

